

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/17/04959/OUT</b>
<b>LOCATION</b>	<b>Park Farm, Park Road, Westoning, Bedford, MK45 5LA</b>
<b>PROPOSAL</b>	<b>Proposed residential development of up to 73 units comprising of flats and houses, including demolition of up to two no. units on Manor Close. Proposal also includes for a village shop, a village hall and burial ground to be located within the site.</b>
<b>PARISH</b>	<b>Westoning</b>
<b>WARD</b>	<b>Westoning, Flitton &amp; Greenfield</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Jamieson</b>
<b>CASE OFFICER</b>	<b>Peter Vosper</b>
<b>DATE REGISTERED</b>	<b>13 October 2017</b>
<b>EXPIRY DATE</b>	<b>12 January 2018</b>
<b>APPLICANT</b>	<b>European Property Acquisition Ltd</b>
<b>AGENT</b>	<b>David Coles architects ltd</b>
<b>REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION</b>	<b>Requirement to report the non-determination of a 'major' application to Development Management Committee for a resolution.</b>
	<b>Outline Application - Recommended for Refusal</b>

### **Reason for Recommendation:**

This 'major' outline planning application for up to 73 residential units is subject to an appeal against non-determination. The appeal is due to be heard by method of a hearing on 2 April 2019. The application is therefore no longer before Central Bedfordshire Council for determination. However, under paragraph 4.4.53 of Part 3E of the Central Bedfordshire Constitution, the non-determination of a 'major' application needs to be reported to Development Management Committee for a resolution.

This outline application seeks approval for the matter of access, with the remaining matters of appearance, landscaping, layout and scale for consideration at reserved matters application stage. The proposed access to the site is considered acceptable. However, the proposed development represents inappropriate and harmful development within the Green Belt and countryside, and is therefore unacceptable in principle. Furthermore, the proposal presents harm to heritage assets - archaeology on site, and to the setting of a medieval circular moated manor adjacent to the site, a Scheduled Monument. The application also fails to provide a Sequential Test to demonstrate whether there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

## **Site Location:**

The application site of 4.175 hectares is a long parcel of land previously used for agriculture. It currently provides rented paddock space for horses, divided by post and electric fencing, some of which are kept at the neighbouring stud farm. The site contains a pair of semi detached dwellings in Manor Close, and a group of agricultural buildings to the north east.

The site is in the Green Belt and part is in flood zones 2 and 3. Public Footpath no. 7, Westoning crosses the site from north to south.

The site is located immediately to the south west of the village of Westoning (the village is outside the Green Belt) which contains various local amenities including a village hall, a shop, a butchers, two public houses, and a recreation club, which has a playground and children's play area.

There are a range of land uses surrounding the site. To the north and east are dwellings. To the west is Westoning Manor Park (HER 7007), a mid to late 19th century park and garden area. Westoning Manor was redeveloped in 2000 into apartments. Also, immediately adjacent to the western boundary is a medieval circular moated manor (HER 233), a Scheduled Monument. To the south is Manor Park Stud Farm which contains facilities for the keeping, maintaining and training of race horses.

## **The Application:**

Outline planning permission is sought for a residential development of up to 73 units comprising flats and houses.

Approval is being sought for the matter of access, with the remaining matters of appearance, landscaping, layout and scale for consideration at reserved matters application stage.

The proposal also includes a village shop, a village hall, and a burial ground. The two semi detached dwellings in Manor Close would require demolition to facilitate a new 'T' junction access onto Park Road.

Public Footpath no. 7 would be retained and incorporated into the proposal.

## **Relevant Policies:**

### **National Planning Policy Framework (NPPF), July 2018**

Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 5: Delivering a sufficient supply of homes  
Section 8: Promoting healthy and safe communities  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

### **Core Strategy and Development Management Policies - North 2009**

Policy CS1: Development Strategy

Policy CS2: Developer Contributions

Policy CS3: Healthy and Sustainable Communities

Policy CS4: Linking Communities - Accessibility and Transport

Policy CS5: Providing Homes

Policy CS6: Delivery and Timing of Housing Provision

Policy CS7: Affordable Housing

Policy CS13: Climate Change

Policy CS14: High Quality Development

Policy CS16: Landscape and Woodland

Policy CS17: Green Infrastructure

Policy CS18: Biodiversity and Geological Conservation

Policy DM1: Renewable Energy

Policy DM2: Sustainable Construction of New Buildings

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM9: Providing a Range of Transport

Policy DM10: Housing Mix

Policy DM14: Landscape and Woodland

Policy DM15: Biodiversity

Policy DM16: Green Infrastructure

Policy DM17: Accessible Greenspaces

### **Central Bedfordshire Local Plan - Emerging**

The Central Bedfordshire Local Plan has reached submission stage and was submitted to the Secretary of State on 30 April 2018.

The National Planning Policy Framework (paragraph 48) stipulates that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans unless material considerations indicate otherwise.

The apportionment of this weight is subject to:

- the stage of preparation of the emerging plan;
- the extent to which there are unresolved objections to relevant policies;
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

Reference should be made to the Central Bedfordshire Submission Local Plan which should be given limited weight having regard to the above. The following policies are relevant to the consideration of this application:

Policy SP1: Growth Strategy  
 Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development  
 Policy SP4: Development in the Green Belt  
 Policy H1: Housing Mix  
 Policy H2: Housing Standards  
 Policy H4: Affordable Housing  
 Policy T1: Mitigation of Transport Impacts on the Network  
 Policy T2: Highway Safety and Design  
 Policy T3: Parking  
 Policy EE1: Green Infrastructure  
 Policy EE2: Enhancing biodiversity  
 Policy EE4: Trees, woodlands and hedgerows  
 Policy EE12: Public Rights of Way  
 Policy CC1: Climate Change and Sustainability  
 Policy CC3: Flood Risk Management  
 Policy CC5: Sustainable Drainage  
 Policy CC6: Water Supply and Sewerage Infrastructure  
 Policy HQ1: High Quality Development  
 Policy HQ2: Planning Obligations and the Community Infrastructure Levy  
 Policy HQ3: Provision for Social and Community Infrastructure  
 Policy HE1: Archaeology and Scheduled Monuments

### **Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide, March 2014

### **Relevant Planning History:**

Application Number	CB/17/00529/OUT
Description	Outline: Proposed residential development of up to 82 units comprising of flats and houses, including demolition of up to, two no. units on Manor Close.
Decision	Withdrawn
Decision Date	18 May 2017

### **Consultees:**

Westoning Parish Council	<p>Westoning Parish Council objects to the above application and urges Central Bedfordshire Council to refuse the application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. A development of this scale should be considered through the Local Planning Process and not by means of a speculative application.</li> <li>2. A large part of the application site lies within Flood Zones 2 and 3 and therefore should not be considered suitable for development due to the adverse impact that development on this land would have on the rear gardens of the nearby properties.</li> </ol>
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3. The site lies within the South Bedfordshire Permanent Green Belt and therefore a development of this nature is contrary to CBC Policy SP3 in the emerging Local Plan and NPPF and NPPG as no “very special circumstances” have been advanced in support of the application.

4. The openness of the Green Belt would NOT BE PRESERVED by this proposed inappropriate development and therefore would be contrary to NPPF Para 89. Ref: High Court judgement R (Boot) v Elmbridge Borough Council (2017).

5. The application includes proposed ‘community benefits’ that do not accord with the identified needs of the village due to inappropriate location, poor accessibility and limited capacity proposed by the application.

6. The application includes proposed ‘community benefits’ that could be prejudicial to the ongoing viability of existing village facilities as Westoning is too small to support two ‘general stores’.

7. The proposed access to the site is at a point where there would be restricted visibility to the south.

8. The proposed inclusion of a burial ground is unlikely to be feasible due to the site being so close to a Flood Zone and the waterlogged nature of the land.

9. The main sewer serving Westoning is old and of limited capacity and may not be able to cope with the impact of this proposed development.

10. The proposed access would result in a dangerous junction with the A5120 for traffic exiting the site. To provide safe access to and egress from this site would require a full roundabout and there is insufficient space for one to be constructed.

11. The noise generated by traffic braking, accelerating and turning into and out of this site would result in significantly increased noise levels for neighbouring properties.

12. The A5120 has circa 20,000 vehicle movements per day and additional vehicle movements at this point would be likely to exacerbate the traffic queues through the village.

NB

Westoning Parish Council convened a public meeting on 14 November 2017, specifically to consider this application, which was attended by 106 residents. The views expressed in the above objection were endorsed by those attending the meeting unanimously.

Highways (Development Management)

This application follows on from 17/00529/OUT where further information was required in terms of vehicular flows and speeds on Park Road, the A5120. The reason for the additional information is that the junction that the applicant has submitted falls below what would be required on a road such as this which we believe has a 19,322 AADT (annual average daily traffic) flow on the main arm.

As such coupled with the minor arm, that leading into the development, having a projected figure of over 300 AADT, then a ghost right turn junction would be required. The projected AADT on the minor arm is some 1252 according to the Transport Assessment. The shop and community centre are pushing the numbers up on this arm and with a shop already existing some 300m away to the northeast of the site.

It should be noted that the AADT figures in this area are provided by the Department for Transport. Should a survey be provided (which had been previously requested) at the location of the proposed site and less than proves that less than the flow is less than 15,000 AADT we would be prepared to look again at the proposed T junction access to serve this development.

Trees and Landscape

I have examined the plans and documents associated with this outline application, and note that there are three mature trees around the boundary of the site; namely an Ash in the westernmost corner of the site, an Oak in the southwest hedgerow, and a Horse Chestnut on the northwest boundary. The Horse Chestnut will be lost as a result of the indicative site layout (Ref. "Initial Sketch Plan") being proposed, whilst the Ash and Oak would be retained. All the mature trees on this site are protected by TPO No. 5/1967 and are included in Area A1 in the Schedule of this Order.

Whilst the layout is favourable in terms of trees being retained, it is noted that the Horse Chestnut is being removed on the basis of identified areas of decay within the crown. In this respect, it would be a requirement that any tree removal should be based on a BS 5837 : 2012 tree survey undertaken by a qualified arboriculturist, where the condition and justification for tree removal can be open and transparent to the LPA and to any wider public scrutiny. In this respect, if you are minded to grant consent to this application, then the following condition should be imposed:-

Detailed layout proposals to be submitted shall be based on the findings of a BS 5837 : 2012 Tree Survey and Tree Constraints Plan, to be prepared by a suitably qualified arboriculturist, which will demonstrate that tree protection measures have been adequately considered in the design process. The final layout proposal shall be then supported by a Tree Protection Plan and an Arboricultural Method Statement, to specify all tree protection measures required to be implemented.

#### REASON

To identify the above and below ground tree constraints that will enable a design that can incorporate suitable tree protection measures, for all trees deemed to be of sufficient quality and appropriate for retention.

#### Archaeology

The comments below were made on planning application CB/17/00529/OUT (withdrawn) which this application is a re-submission of. The comments below remain valid in relation to this application and must be addressed.

The proposed development site lies within Westoning Manor Park (HER 7007), a mid to late 19th century park and garden area around the Manor of Westoning. Under the terms of the *National Planning Policy Framework* (NPPF) this is a heritage asset with archaeological interest.

The site boundary also clips an area defining the extent of a medieval circular moated manor (HER 233) and associated drainage leats and fishponds. This rare circular moat is also a Scheduled Monument (NHLE 1008759); however the scheduled area does not extend onto the application site, but lies against the western boundary. Under the terms of the *National Planning Policy Framework* (NPPF) this is a designated heritage asset of the highest significance.

The application site lies just to the south of the historic medieval core of Westoning (HER 17009) which seems to have had three focal points of development. The first was around the manor and parish church of St Mary Magdalene in the western part of the settlement, the second along church road to the junction with Tyburn Lane where there is the suggestion of a green or market place and the third was around Westoning Lower School in the east of the village.

The Manor was held at the time of Domesday by King William and remained in royal hands until 12<sup>th</sup> century, after which it passed through various families. The construction of the circular moat has been attributed to William Inge who held the manor in 1297. The area around the moat and manor is the likely focus for the earliest medieval development of the village and the potential for evidence relating to this on the site is high. The later development of the village around the market/green is likely to date to 14<sup>th</sup> century when it was granted the right to hold a market (1303 AD). Archaeological evidence from an excavation at the Lower School (Albion Archaeology, 2008) showed that this area declined after the market was granted. Shrunken medieval settlements are common and it is likely that the area around the manor also shrank at this time.

The desk-based assessment (Oxford Archaeology South, V1, 2017) that accompanied the application identified a moderate potential for medieval remains, but also stated that the lack of finds or features recorded may be due to the limited number of archaeological investigations undertaken in the area. The site visit identified visible earthworks as shallow depressions, probably remnant ditches or surviving evidence of ridge and furrow ploughing practices, and suggesting buried archaeology could be preserved on the site. It also notes that building construction will severely impact on any buried archaeological resources.

The desk-based assessment does not however consider the impact to the setting of the scheduled monument, which is of particular concern. While it is noted that the developer does not intend to build substantially on the north-western third of the site, this is an outline proposal and could easily change, bringing the built edge closer to the monument.

NPPF paragraph 132 states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the



asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

NPPF paragraph 133 continues this theme and states that:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent.'

The desk-based assessment should contain a significant section on impact of the development on setting of the medieval moated manor and include photographic views to and from the site and this Scheduled Monument. It should also be compliant with the Historic England guidance (2015) *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning* :3.

In addition to the failure to consider the impact of the development proposals on the setting of the Scheduled moated site, there is insufficient information on the impact of the proposals on the buried archaeological resource or the surviving earth works which may require preservation *in situ*.

Paragraph 128 of the NPPF states the following regarding applications that have the potential to affect heritage assets:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a

site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

This requirement is echoed by the adopted Central Bedfordshire Design Guide (March 2014).

The scale of the proposal means that it will have a negative and irreversible impact on any surviving archaeological remains present at the site. However, the extent, character and importance of these remains have not been established, and cannot be by desk-based assessment alone. As a consequence this application requires an archaeological evaluation, initially via a geophysical survey and the results of this subsequently tested by intrusive ground investigation comprising targeted trial trenches. The results of the geophysical survey and trial trench evaluation should be used together with an updated desk-based assessment (setting and evaluation results considered) together with any technical details on the construction methods to be employed, to assess the level of impact the proposed development will have on any surviving archaeological remains at the site.

Historic England should also be consulted as to the appropriateness of the planned development in relation to the Scheduled Monument and with particular consideration to setting

The applicant/agent should commission the required assessments as soon as possible and the application should not be determined until an appropriate geophysical survey report, evaluation report and updated desk-based assessment (including a detailed impact assessment) has been submitted. If the applicant/agent is not prepared to submit the required information then this application should be refused on the grounds that it is contrary to paragraphs 128, 132-134 of the NPPF.

Ecology

The revised layout is preferred over CB/17/00529 as it allows for better connectivity around the south west of the

site. Though comments for the earlier application still apply as follows;

The Ecological Survey does not identify any habitats or species of concern on the site with existing heavily grazed paddocks and species poor hedgerows. The main constraint to development would appear to be the floodplain and the large oak tree on the southern boundary. The indicative layout is informed by these and the proposed development should be able to deliver a net gain for biodiversity in accordance with the NPPF.

The amount of retained open space is welcomed, this should be enhanced through a sympathetic management plan to make the most of potential habitat opportunities. As so much of the site is affected by the floodplain the opportunity to create areas of wet habitats including wet flushes should be explored keeping access and recreation for informal uses only. The retention of the oak tree is also welcomed and this together with additional planting utilising locally native species should support a net gain for biodiversity.

The plan does not indicate a drainage strategy and there are opportunities for further habitat creation here through the use of SUDS. The Ecology Survey makes no recommendations for enhancements other than the inclusion of integrated bat bricks which would be expected together with integrated bird bricks particularly on peripheral properties where habitat connectivity are strongest.

To ensure these measures are incorporated into the development a condition should require the provision of an Ecological Design Strategy as follows;

No development shall take place until an ecological design strategy (EDS) addressing *enhancement measures* has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

## Waste Services

The Council's waste collection pattern for Westoning is as follows:

- Week 1 – 1 x 240 litre residual waste wheelie bin, 1 x 23 litre food waste caddy
- Week 2 – 1 x 240 litre recycling wheelie bin, 2 x reusable garden waste sacks, and 1 x 23 litre food waste caddy.

Please note that bins are chargeable for all properties and developers will be required to pay for all required bins prior to discharging the relevant condition. Our current costs for these are: £25 +VAT per 240l bin, and £5 +VAT per set of food waste bins.

Wherever possible, refuse collection vehicles will only use adopted highways. If an access road is to be used, it must be to adoptable standards suitable for the refuse vehicle to manoeuvre safely around site (please see vehicle dimensions below\*\*). Typically, until roads are adopted, bins are to be brought to the highway boundary or a pre-arranged point. If residents are required to pull their bins to the highway, a hard standing area needs to be provided for at least 1 wheelie bin and a food waste caddy, in addition to 2 reusable garden waste bags. However, householders should not be expected to transport waste bins over a distance greater than 25m. Bins must not encroach on or cause a hazard or obstruction to the public highway. Waste vehicles will reverse a maximum of 15m to the point of collection.

For any flats that are part of the development the following information applies. Communal waste provision is allocated on the basis of 90l per week per waste stream per property; therefore we would provide 1100l, 660l or 360l bins to be collected fortnightly. These will be charged at £350 + VAT per 1100l / £250 + VAT per 660l / £35 + VAT per 360l bin. Our waste collection crew will move communal bins a maximum of 10m from the bin store to the waste collection vehicle, providing there are suitable dropped kerbs.

Bin stores should be easily accessible from the main highway and it is crucial that the store is secure with a lock to prevent potential fly tipping issues. A lock code will need to be provided to the Central Bedfordshire Waste Services Team. The door used by the collection crews will need to be wide enough to allow for easy removal of bins from the storage area. A dropped kerb will need to be provided to enable easy manoeuvrability, access and egress of the bins. The crew are not expected to move the bins over any undulating, non paved, uneven surface, or where the gradient is deemed excessive. Lighting within the bin store should be provided so that the bins can be used safely by residents when it is dark.

We would require a design layout to highlight where the bin store will be located.

Waste must be collected via a safe and appropriate operation at all times and therefore we would need confirmation that the RCV can manoeuvre safely around site and enter and exit in forward gear.

#### Refuse Vehicle Dimensions\*\*

Eagle Elite 2 6x4 non rear steer, 11.5m long

Overall Length	11.500m
Overall Width	2.530m
Overall Body height	3.756m
Mon Body Ground Clearance	0.309m
Track Width	2.530m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	11.550m

#### SuDS Management - Final Response

Although we would like to see more of a separation of the proposed flood zone from existing property, we consider that planning permission could be granted to the proposed development and the final design and maintenance arrangements for the surface water system agreed at the detailed design stage, if the following recommendations and planning conditions are secured.

1. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).

2. To ensure future homeowners and subsequent homeowners will be aware of any maintenance requirements / responsibilities for surface water drainage; further measures should be proposed by the applicant and may include, for example, information provided to the first purchaser of the property and also designation/registration of the SuDS so that it appears as a Land Charge for the property and as such is identified to subsequent purchasers of the property. Any methods involving designation or registering a Land Charge are to be agreed with the LPA.

Recommended conditions;

Condition 1:

No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (November 2017) and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the system will be constructed, including any phasing, and how it will be managed and maintained after completion. The scheme shall be implemented in accordance with the approved final details before the development is completed, and should include confirmation from the Environment Agency of adjusted flood plain and flood plain compensation that will not affect proposed or existing properties

Reason:

To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, in accordance with para 103 of the NPPF.

Condition 2:

No building/dwelling shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason:

To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with

what has been approved, in accordance with Written Statement HCWS161.

## Rights of Way

Please find attached a copy of the Council's Public Rights of Way Definitive Map, showing the location and route of Public Footpath no. 7, Westoning which crosses the site.

It is welcome that the application acknowledges the Public Footpath and attempts to incorporate it into the design in the initial sketch scheme. Further consideration will have to be given to the path, however, in any future application as no detail is given regarding proposed width, surface type, landscaping to the side etc.. and i would ideally like to see a cross section within any reserved matters application. Any design for the path should be in line with our Rights of Way Standards and i would be grateful if you could pass a copy of these comments, along with the Standards PDF to the applicant/agent. As further information would need to be provided, i would suggest our standard Rights of way condition be attached to any grant of outline planning application to obligate the provision of the additional information required:-

Condition: No development shall take place until a scheme for the provision of Public Footpath no. 7, Westoning has been submitted to and approved in writing by Central Bedfordshire Council to include:

- the design of access of Public Footpath no. 7, Westoning (to include landscaping, widths and surfacing)
- proposals for the permanent diversion of Westoning Public Footpath no. 7 (where necessary)
- the temporary closure and alternative route provision (where necessary) of Public Footpath no. 7, Westoning, where this is considered necessary during construction

The public right of way scheme submitted should be in accordance with the approved ROW Standards and Guidance.

Reasons: In the interests of the amenity of pedestrians and other non motorised users and to ensure safety of users is not compromised by the traffic associated with the development.

Notes to applicant: The applicant is advised to ensure that the definitive legal line of any public right of way is mapped at the earliest opportunity and that no development should take place on or near a public right of way

unless the necessary statutory legal process (where necessary) has been completed in accordance with:

- i. An order made, confirmed and certified under the provisions of Section 247 of the Town and Country Planning Act 1990
- ii. An order made, confirmed and certified under the provisions of the Highways Act 1980
- iii. An order made under any other relevant legislation concerning the modification, creation, diversion or extinguishment of a right of way.

For consideration by the applicant, my initial thoughts/comments on the initial sketch plan are as follows:-

- no detail of width of path - we would look for a standard 2 metres minimum width.
- consideration should be given to whether the public footpath should be wider (3 metres) to allow use by cyclists
- no detail of surface type is provided - is the path to be tarmaced? It should not really simply be a pavement to the vehicle access road (see standards document)
- no detail is provided as to the proposed boundary treatments to the public footpath and this needs to be provided. The initial sketch scheme seems to show the path overlooked by the properties which is good but no boundary fencing or landscaping between the property garden and the path which seems unrealistic. Further detail will also have to be provided about the proposed boundary treatment between the Public Footpath route and the proposed parking spaces if any fencing is proposed.
- Further detail will need to be provided with regard to the landscaping proposed alongside the Public Footpath - between the Public Footpath and the spine road. What type, exact location and who will maintain long-term to ensure it does not encroach. Ideally any landscaping should be set back from the path and should not include species which are thorny or quick growing such as blackthorn, which can become a problem. The existing tarmaced section of Public Footpath no. 7 Westoning from Church Road to the field suffers from vegetation planted to the side of the tarmaced path which has encroached upon the useable width and not been maintained by the developer/owner of the land.
- ideally at least one cross section of the path showing it's proposed layout (incorporating the above information on width, surface, landscaping and



boundary treatments) should be submitted as part of the Rights of Way scheme at reserved matters stage

- Details will need to be provided of any temporary closure foreseen for Public Footpath no. 7 when construction takes place. This should include a suitable alternative route and details of how long any temporary closure is likely to be for. Again, our Rights of Way Standards document gives guidance and I can provide any further advice required.

Any proposals for Public Footpath no. 7 across the site should fully consider the improvement of the path in terms of width and surfacing to form part of a fully sustainable network of walking and cycling routes for leisure and potentially to local schools and amenities.

#### Housing Development

I support this application as it provides for 25 affordable homes which reflect the current affordable housing policy requirement of 35% in the North. The supporting documentation does not indicate the tenure split of the affordable units. The Strategic Housing Market Assessment (SHMA) has identified a tenure requirement from qualifying affordable housing sites as being 73% affordable rent and 27% intermediate tenure. This makes a requirement of 18 units of affordable rent and 7 units of intermediate tenure (shared ownership) from the development.

I would like to see the affordable units dispersed throughout the site and integrated with the market housing to promote community cohesion & tenure blindness. I would also expect the units to meet all nationally prescribed space standards. We expect the affordable housing to be let in accordance with the Council's allocation scheme and enforced through an agreed nominations agreement with the Council.

#### Leisure and Open Space Leisure Strategy – Policy Standards & Facility Requirements

Chapter 1: Leisure Facilities Strategy: indoor sport and leisure facilities

Chapter 2: Recreation & Open Strategy: 9 types of open space

Chapter 3: Playing Pitch Strategy: 9 types of outdoor pitch facilities

1. Chapter 1: Leisure Facilities Strategy

1 Chapter 1 identifies facility requirements for new/improved indoor sports and leisure centre facilities. This development lies within the identified 20 minute drive time to the public multi-facility indoor leisure centre. No contribution is sought from this development.

## 2. Chapter 2: Recreation & Open Strategy

1 Chapter 2 identifies local standards for nine open space typologies, which set the baseline requirement for the provision of on-site open space facilities, or off-site contributions for the larger, more strategic typologies.

2 Based on an estimated occupancy of 2.4/dwgs x 73 dwgs = 175 estimated occupants Table 1. below shows the open space required from this development.

Table 1. Open Space Requirements

Type of Open Space	Standard Per 1000 Population (ha)	Standard Per Person (Standard per 1000 / 1000) (ha)	Number of Dwellings	Number of People in Development (No. of dwgs x 2.4 or bed numbers)	Open Space Requirement (People in Development x Standard Per Person) (Ha)	Types of Open Space Combined *	
Countryside Recreation	3.19	0.00319	73	175	0.56	Strategic Sites	
Urban Parks	0.39	0.00039			0.07		
Informal Recreation	2.6	0.0026			0.46	Informal Recreation	
Large Formal Recreation Areas See also Chapter 3	1.2	0.0012			0.21	Local Recreation	
Small Amenity Spaces	0.55	0.00055			0.1		
Facilities for Children	0.11	0.00011			0.02	Facilities for Children & Young People	
Facilities for Young People	0.05	0.00005			0.01		
Allotments	0.37	0.00037			0.06	Allotments	
Cemeteries & Burial Grounds	N/A	Site/parish-specific requirement					Cemeteries & Burial Grounds
<b>Total</b>					1.48		

\*Categories can be provided in combination as indicated in the final column above where this provides more appropriate facilities. E.g. children's play and facilities for young people may often be provided together.

Facilities required for this development:

Small Amenity Spaces, Children Play Facilities and Facilities for Young People

- 3 The application proposes an on-site LEAP play area, however, to serve the 3-10yr age group this should be increased to a combined LEAP/LAP play area of 400-450sqm with 8+ pieces of equipment for 3-10yr olds with appropriate safety surfacing, fencing, gates, seating etc.

Proposed Open Space

- 4 The application proposes 1.4ha of 'Flood Plain and Open Space' on which the LEAP will also be sited. The proposed open space cannot be classed as open space if it will flood. Siting the play area on land that will flood is also inappropriate and presents potential dangers to children using it.

A more suitable location for the play area is required unless it can be guaranteed that the site will not flood/hold water.

Burial Ground

5. Locating a burial ground between a flood plain and an attenuation pond raises major concerns regarding the drainage for the burial ground. Specialist advice is required regarding the location, layout, drainage and soil composition of the proposed burial ground.

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## 2 Chapter 3: Playing Pitch Strategy

Provision Required:

- 1 Chapter 3 identifies facility requirements for nine types of outdoor sports facilities, courts and pitches in Central Bedfordshire.
- 2 The D&A statement identifies a 'shortfall of outdoor playing fields' and says that the proposed scheme has endeavoured to consider the community in the

development of the scheme. The application does not propose any on-site sports, and this would be wholly inappropriate given the drainage issues.

3. A contribution to the provision/improvement of outdoor sports facilities in the village would be appropriate in lieu of any on-site provision. Westoning PC has been consulted again in December to identify a sports project but no response was received. The PC was consulted on the previous application but planned to object so did not identify a project to which a contribution could be sought.

## Historic England

As discussed in our previous letter the development area is adjacent to a significant and well preserved moated enclosure known as the moated site and fishponds south east of Westoning Manor. This is the proposed location of the C13 manor of Westoning which pre-dates the existing hall. The Moat and church II\* church are likely to have formed the core of the former medieval village and are the oldest surviving features of the village. We consider that the moat has a very high value and is of national importance. It is also designated as a scheduled monument.

The development boundary lies immediately to the southeast and the red-line boundary is immediately adjacent to the site. We note that the edge of the development within the redline boundary has changed from the previous application and the housing is now only 50m from the monument. We have raised the proximity of the development to the monument as a concern, in particular that the development would have the potential to erode the rural context of the monument and would harm the significance of the scheduled monument through a development within its setting.

The National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The conservation of heritage assets is a core principle of the planning system (paragraph 17) upon which the NPPF places great weight (see paragraphs 17 and 132). Paragraph 128, requires the applicant to describe the significance of any heritage assets affected (both designated and non-designated) and that the level of detail should be sufficient to understand the potential impact of the proposal on their significance. Paragraph 131 says that when determining planning applications, account should be taken of 'the desirability of sustaining and enhancing

the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. The NPPF paragraph 132 requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. It also recognises that significance can be harmed by development within the setting of an asset. This paragraph also states that 'any harm or loss should require clear and convincing justification'. It is also recognised in the NPPF (paragraph 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

We note that again this is an outline application. We are concerned that the development has moved closer to the monument and that the buffer between development and the monument has halved. The degree of visibility and therefore the degree of harm to which the monument would be subjected has therefore increased. We note however that the level of harm to the monument is still less than substantial and would therefore be subject to paragraphs 132 and 134 of the NPPF. We do not consider that the changes are sufficient to warrant an objection in principle; however, the closeness of the development does create some additional level of concern. We would therefore ask that the council seek additional safeguards at the outline and reserved matters stages.

Our first concern would be to ensure that the amenity land at the north western end of the development area remains open and undeveloped in order to protect the setting of the monument. If carefully handled this area has the potential to enhance the significance of the site in terms of paragraph 131 of the NPPF. This would need to restriction on the use of this land and restrictions on the use of landscaping. We recommend that it is not used for playing fields, and that play equipment should also be situated elsewhere within the development. Any landscaping proposals for this area need to be subject to a fully developed and agreed landscape strategy.

Secondly we recognise that the design and layout of the houses that would be within the view of the monument are critical in achieving any enhancement to the setting and would ask that the council seek safeguards in relation to the design, density, height and massing of the development and to control this via an agreed conditions

at the outline stage. In particular we are concerned about the size, height and visibility of the village hall structure which is a new addition to this scheme. This needs to be in scale with existing buildings in the area and in keeping with the height of the houses in this part of the proposed development.

We would also ask that the council consider putting a condition on the development to restrict roof heights on the buildings facing the monument and we would look for a design and layout that seeks to place the perimeter access road and parking to the rear of those houses that face onto the monument. This would create a softer edge to the development and place some of the most visually harmful elements (cars, bins, roads, street lights and hard landscaping etc) to the rear of the houses. Any changes to the design would need to be indicated in the application and covered by a design code to ensure that it was followed through at full application stage.

We also consider that the council should seek advice from their archaeological advisors on the need for a programme of archaeological works under paragraph 141 of the NPPF.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 128, 131, 132, 134 and 141 of the NPPF.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Campaign to Protect  
Rural England

This is an application for development of 73 houses on Grade 3 (BMV) agricultural land in open countryside, that sits fully within Green Belt and outside of the Settlement Envelope of Westoning. There are therefore three existing reasons for refusing permission for this development, as contrary to CBC Policies and those of the NPPF.

This site was not put forward in the Call for Sites and much of the site is in Zones 3 and 2 of the Flood Plain, within a groundwater protection Zone 3 and at risk of groundwater flooding, as well as being 100% in Green Belt and grade 3 – best and most versatile agricultural land . Therefore, it would not have been taken forward for consideration within the Draft Local Plan, had it been submitted, as would not have met the required CBC criteria. Any development of the site would exacerbate the risk of flooding. It is noted

that the maintenance of soakaways would fall to the owners of the properties. The NPPF states that where there are risks such as those identified, alternative sites should be sought. The final version of the Local Plan is going to be published for consultation on 10th January 2018 and does not include this site. Development within the Green Belt requires the existence of very exceptional circumstances, which do not exist for this site as illustrated above and further below.

Government has consistently insisted that the protection of Green Belt would be maintained at a very high level. When a previous application for the site was submitted, the applicant was notified by the Planning Officer that permission required exceptional circumstances to be established. The application was subsequently withdrawn. The applicant is mistaken in believing that provision of a village shop or cemetery on the site, and a sum towards the provision of a new parish hall elsewhere, would meet the exceptional circumstances required for the release of Green Belt land – which sets a very high bar.

There is a high risk that the shop would undermine the existing businesses within the village and that the site would not be considered a suitable one for a burial ground – even if it had the support of the residents and the Parish Council, which does not appear to be the case. The large number of objections already registered for this application, would indicate that this has no support locally. The development of the site would have a negative impact on the adjacent stud farm and the experience of walking the PROW - and would contribute to reducing the current gap between settlements of Harlington and Westoning and lead to further urbanisation of the countryside. The impact of additional traffic along the congested A5120 and around the nearby crossroads and pelican crossing, cannot be underestimated – particularly the increasing impact of slow moving or stationary traffic on noise and air pollution for existing roadside housing. This is already a problem experienced in Ampthill.

CBC published its most recent statement of 5 year land supply in October 2017, demonstrating a robust 5.94 years supply of housing land. The NPPF presumption in favour is not engaged and CBC policies continue to attract due weight, as expanded upon below. Development here cannot be considered as 'necessary' or meet the criteria for exceptional circumstances to release Green Belt land. The ongoing and rapid expansion of Flitwick and Ampthill and the effect of this development on the A5120 through road, which also gives access to the M1 from Ampthill, Flitwick, Maulden, Flitton and Greenfield and further afield,

cannot be ignored. This stretch of the road is highly congested during peak hours and new housing estates are already being built along its route this site is in close proximity to the crossroads and pelican crossing. As already referred to above, stationary traffic causes increased air pollution and is particularly damaging to air quality surrounding roadside houses – a feature of this area.

The NPPF seeks to encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production). The NPPF refers to planning as having an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity ..... The site is immediately adjacent to the SAM of Westoning Moat. Impacts on biodiversity of this site have not been investigated despite the proximity. There is a high probability of archaeological remains being present on this previously undisturbed site. It is also within 20m of a watercourse – the River Flit runs to the south west of the site and a watercourse feeds into the river Flit. The site is at high risk of surface water flooding and medium risk of flooding from the river itself.

This site is not sustainable on environmental grounds and should be refused. A recent High Court Judicial Review (December 2016 East Bergholt Parish Council Suffolk vs Babergh District Council. - CO/2375/2016) has led to significant changes in the way the 5 year land supply and local need for housing, is required to be assessed. The judge decided that Babergh had misrepresented “what ‘local housing needs’ meant in the context of the local plan” – the court also agreed with East Bergholt’s interpretation that the needs of the local area differed from those of the wider district - ‘The officers’ conclusion that “local need” refers to the needs of the district’s population as a whole is wrong.’ This is obviously very significant in terms of this application as there is no identified need for housing within Westoning or the wider area and this is Green Belt.

The NPPF is clear on the intention for development to be ‘plan led’ in order that all aspects of economic, social and environmental sustainability are addressed and ensured. In upholding the Council’s decision to refuse planning permission to a site outside of the Village Envelope, the Inspector in the case of Appeal Ref: APP/X2410/W/16/3152082 Land to the east of Seagrave Road, Sileby, Leicestershire, interpreted the NPPF as having the specific intention of requiring decision taking to



be plan-led. The Inspector applied the recent Court of Appeal judgments in *Suffolk Coastal DC v Hopkins Homes Ltd* [2016] EWCA Civ. 168 and *Daventry DC v SSCLG* [2016] EWCA Civ. 1146, to find that saved policies, which included tightly-drawn settlement boundaries, were not inconsistent with the NPPF per se. He accepted the "important point" made by the Council that such policies promote the Core Planning Principle of "efficient, plan - led decision taking", a point the Inspector emphasised carried "some particular force".

The position of the Policies currently relied upon by CBC, was demonstrated by the Henlow planning appeal decision (APP/P0240/W/15/3003634. The Council's decision not to grant the Henlow site planning permission, was ultimately upheld at Appeal because development of the site was incompatible with paragraph 49 of the National Planning Policy Framework (NPPF) on environmental grounds. Additionally their content was similar in meaning to NPPF paragraph 49 and the other NPPF environmental policies. The following quotes are taken from the Henlow planning appeal decision and continue to be relevant to this and similar sites.

DM4 deals with developments within settlement envelopes .....where no land is available within the settlement a site adjacent to the settlement may be granted planning permission. Nonetheless, the fixed settlement envelopes would have the effect of constraining development, including housing, within these settlements. CS 16 recognises the countryside outside of settlement as being a highly valued resource and should be protected for its own sake, safeguarding it from the increasing pressures of development. DM14 goes on to identify that any development that has an unacceptable impact will be resisted. Their overall objective is to protect the character and amenity of the countryside of which the appeal site forms a part. Therefore I (the inspector) consider CS Policies DM4, DM14 and CS16 are relevant policies for the supply of housing within the meaning of Para 49 of the Framework..... To the extent that the policies are concerned with the supply of housing, they must be regarded as out of date. However, the objectives of CS Policies DM4, DM14 and CS16 remain broadly consistent with those in the Framework which requires decision makers to recognise the intrinsic character and beauty of the countryside. To the extent that the policies are concerned with these matters I consider that they continue to attract due weight.

Objections in Relation to Core Strategy & Development Management Policies – November 2009

CPRE do not believe this development is sustainable on environmental grounds as illustrated above and in Policies referenced below.

Policy DM4: Development within and beyond settlement envelopes The proposed site sits outside of the Village Envelope and would not be allocated for Market Housing, as under policy DM4 – only Exception sites would be considered. Policy CS8 Exception Schemes refers.

Policy DM14 Landscape and Woodland - CBC Development Strategy Policy 56 had expanded and updated those policies requiring landscapes to be conserved and enhanced.

CS16 Landscape and Woodland Preserve and enhance the varied countryside character and local distinctiveness in accordance with the findings of the Mid Bedfordshire Landscape Character Assessment.

DM16 Green Infrastructure DM16 seeks to ensure that development that adversely affects green infrastructure assets will not be permitted. Such assets include natural green spaces. CPRE believes this site is not sustainable on environmental grounds as outlined above.

CPRE believes this site is not sustainable on economic grounds. With no Community Infrastructure Levy in place there will be no contribution being paid directly to the area to mitigate the effects of the development. Currently for economic reasons, it is the stated policy of CBC to use the New Homes Bonus to support the provision of front line services across Central Bedfordshire and not directly in support of areas affected by development. The provision of a shop on site could undermine the sustainability of the existing ones. In his conclusion, when denying Appeal Ref: APP/X2410/W/16/3152082 Land to the east of Seagrave Road, Sileby, Leicestershire, the Inspector stated Additionally I only give little weight to the economic benefits of ephemeral construction jobs and the additional patronage of village services.

CPRE believes this application should be refused as there is demonstrably no demand for such housing in Westoning or the wider area and the detriments to the local area clearly outweigh any perceived benefits: the proposal conflicts with the sustainability objectives of National Planning Policy and the requirement for development to be plan led.

Finally, please note that in our submissions in respect of the proposed development, while we have taken every effort to present accurate information for your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for

unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.

Environment Agency -  
Final Response

We are able to remove our objection.

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below.

National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA)

We have reviewed the submitted FRA (Abington Consulting Engineers, 15 January 2018, Revision D) and the Flood Risk Modelling Report (JBA Consulting, 10 January 2018, Draft - Version 2). The site falls partially within Flood Zone 2 and 3, due to the presence of a small drain on the site. Modelling has been submitted in support of this application and has demonstrated that the extent of the functional floodplain is confined to the drain. The model also provides smaller extents for the 1% AEP and 0.1% AEP flood events than the current Flood Map for Planning (Rivers and Sea) indicates. This model has been reviewed for this planning application, but no Evidence-Based Review (to update the Flood Map) has been completed. The model and the FRA have demonstrated that there is potential for this site to be developed, so long as that appropriate Floodplain Compensation is provided.

CONDITION

The development hereby permitted shall not be commenced until such time as a detailed scheme to provide floodplain compensatory storage to demonstrate

that there is no increase of flood risk on or off site, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, agreed, in writing, by the local planning authority.

#### Reason

To ensure there is no loss of floodplain storage and no increase in flood risk elsewhere.

#### Advice to LPA / Applicant

We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to, such as finished floor levels of the development shall be set no lower than 73.8mAOD.

#### FURTHER COMMENTS

##### Climate Change

The FRA has not adequately assessed the impact of climate change, as it fails to account for the potential increase in the fluvial flood risk to the site. The FRA refers to the increase in peak rainfall intensity, but not the impact on river flows. However, from our review of the modelling, it is clear that the impact of climate change has been modelled so we are able to accept this application. Please ensure the applicant updates the FRA to reflect the outputs of the model with regard to climate change prior to the submission of the Reserved Matters application.

##### Floodplain Compensation

The FRA mentions Floodplain Compensation, and calculations of the losses and gains have been supplied, so it is clear that some consideration has been given to this. However, no information has been provided about how the floodplain compensation will be designed e.g. plans and cross-sections showing the losses and gains. We acknowledge that this is an Outline application, so further detail will be required at the Reserved Matters stage. Proposals for floodplain compensation must be up to a level including the appropriate climate change allowance.

The need for floodplain compensation should be considered at an early stage before the design of the development is advanced. This will help in the design of appropriate floodplain compensation.

At present, it appears that the intention is to remove the southeast section of floodplain and move land at the northwest of the site into the floodplain. No consideration appears to have been given to the potential for this to alter

flood flow routes and thus detrimentally affect the flood risk of adjacent properties. Evidence should be provided to demonstrate that the proposed floodplain compensation will not adversely impact on the flood risk offsite.

#### Surface Water Flood Map

The Risk of Flooding from Surface Water map (accessible at <https://flood-warning-information.service.gov.uk/long-term-flood-risk>), indicates that there is significant surface water flood risk, both on the site and in Westoning itself. Therefore, consideration should be given to potential surface water flow routes across the site, to ensure that the development does not increase the risk of site.

The possibility of using this development to reduce the risk to existing properties should also be considered.

#### Advice to Applicant

The FRA states that the model has been submitted for an Evidence-Based Review to update the Flood Map for Planning (Rivers and Sea). At the time of writing, this is not the case. The model has only been reviewed for its use in support of a planning application.

The FRA also states that a further Flood Map Challenge (Evidence Based Review) will be undertaken to take account of the proposed re-profiling of the site. As a model has already been generated for this site, we would recommend that modelling is used to demonstrate that Flood Zones 2 and 3 have changed. Please note that if an Evidence Based Review is not undertaken, or is unsuccessful, this may affect the ability of property owners to get insurance.

Anglian Water

#### ASSETS

##### Section 1 – Assets Affected

1.1 Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

#### WASTEWATER SERVICES

##### Section 2 – Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of Flitwick Water Recycling Centre that will have available capacity for these flows.

##### Section 3 – Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

#### Section 4 – Surface Water Disposal

4.1 From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### Section 5 – Trade Effluent

5.1 Not applicable

#### Section 6 – Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### Foul Sewerage Network (Section 3)

##### CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

##### REASON

To prevent environmental and amenity problems arising from flooding.

Bedfordshire Fire and  
Rescue Service

A. Although this should normally be dealt with at Building Regulations consultation stage, I would like to draw the developer's attention to the requirements of Building Regulations "Approved Document B (Fire Safety) Volume 1 - Dwellings" or "Volume 2 – Buildings other than dwellings" as appropriate, particularly 'B5 - Access and Facilities for the Fire Service', to ensure compliance is met and specifically as below with respect to dwelling houses:-

- Vehicle access for a pump appliance to within 45m of all points within a dwelling house;
- Turning facilities should be provided in any dead end access route that is more than 20 m long. This can be by a hammerhead or turning circle, designed on the following table.

Vehicle Access Route Specification:-

Vehicle Access Route Specification:- Table 2 : Typical Vehicle Access Route Specification (\*\*Based on Bedfordshire FRS vehicles)

Appliance Type	Minimum Width of Road between Kerbs (m)	Minimum Width of Gateways (m)	Minimum Turning Circle between Kerbs (m)	Minimum Turning Circle between Walls (m)	Minimum Clearance height (m)	Minimum Carrying Capacity (tonne)**
Pump	3.7	3.1	16.8	19.2	3.7	18.0
High Reach	3.7	3.1	26.0	29.0	4.0	26.0

If the criteria for fire appliance access to within 45 metres as set out above cannot be reached for residential premises, the Building Control and Fire Authority should be consulted at an early stage, as alternative arrangements may be acceptable. Typically, this is either because the new site is landlocked or because the new access is too narrow to get an appliance close enough.

The following options are available if access is within:-  
 45 - <60 metres - Domestic/residential sprinklers required;  
 60 - 90 metres - Domestic/residential sprinklers and a fire hydrant installed immediately by the access driveway;  
 Over 90 metres - Not acceptable

B. We would ask that fire hydrants are installed in number and location at the developer's cost as follows:-

On a residential site we will need one hydrant at least every 180 metres – with no property further than 90 metres from the nearest hydrant. The minimum flow should be as described in the National Guidance Document published by UK Water and the Local Government Association. The relevant section is copied below from Appendix 5:-

On a commercial site we will require one hydrant at least every 120 metres apart for normal risk premises and 90m apart for high risk premises, with the result that no individual building should be further than 60 metres (normal risk) or 45 metres (high risk) from the nearest hydrant. The minimum flow should be as described in the

National Guidance Document published by UK Water and the Local Government Association.

The relevant section is copied below from Appendix 5:-

4. Shopping, offices, recreation and tourism

Commercial developments of this type should have a water supply capable of delivering a minimum flow of 20 to 75 litres per second to the development site.

In addition to the formal guidance or requirements, I would add that where possible consideration is given to access for the hydrants, so they are positioned on pathways/pedestrian areas, close to but not within vehicle standing areas where they are likely to be obstructed by parked cars/lorries (e.g. in an area designated for parking or loading as part of the development).

Bedfordshire and River  
Ivel Internal Drainage  
Board

The proposals in this application are acceptable in principle but the Board makes the following comments:

1. The Board notes the challenges being made to the Environment Agency flood maps. Final comments on the flood plain adjustment and positioning of houses cannot be made until the Environment Agency have confirmed acceptance of the revised modelling produced by the Applicant.

2. The Board notes that the proposed method of storm water disposal is by way of soakaways.

It is essential that soakways be investigated and if ground conditions are found satisfactory constructed in accordance with the latest Building Research Establishment Digest 365.

In the event soakways are found not to be suitable any direct discharge to the nearby watercourse will require the Board's prior consent.

3. Floor levels must be set at 500mm above the 1 in 100 year + 40%cc level which may be higher than the proposed 300mm above 1 in 100 year level.

Please include a suitably worded condition in any planning permission that may be granted.

**Other Representations:**

Neighbours

75 representations objecting to the proposal were received:



- Site not included in the call for sites.
- Application being considered outside the Local Plan.
- Central Beds have five year supply of housing land.
- Increased congestion on the A5120.
- Safety concerns from access to site.
- The development is inappropriate in the Green Belt and its openness would not be preserved. No very special circumstances advanced.
- Westoning does not need any more houses. Schools cannot cope with any more pupils and health care services cannot cope with any more patients.
- Proposal is an overdevelopment.
- The shop, village hall and cemetery are superfluous due to the ones currently enjoyed being perfectly adequate.
- Site has a history of being waterlogged and is in floodplain.
- Impact on protected wildlife.

### **Determining Issues:**

The main considerations of the application are:

1. Principle of Development and Impact on Green Belt and Countryside
2. Impact on the Historic Environment
3. Flood Risk
4. Layout and Design
5. Impact on Amenity of Neighbouring and Future Occupants
6. Impact on Trees
7. Highway Considerations
8. Affordable Housing Provision and Section 106 Requirements
9. Other Considerations

### **Considerations:**

#### **1. Principle of Development and Impact on Green Belt and Countryside**

- 1.1 As stated above, the site is in the Green Belt. It is in the countryside immediately to the south west of the Settlement Envelope of the village of Westoning.
- 1.2 It should be noted that the site was not put forward as a potential site to meet future demand for homes and jobs in the Call for Sites part of the Local Plan process, nor is it an allocated site in the Emerging Central Bedfordshire Local Plan.
- 1.3 Paragraph 134 in Section 13 (Protecting Green Belt land) of the NPPF states that '*Green Belt serves five purposes:*
  - *to check the unrestricted sprawl of large built-up areas;*
  - *to prevent neighbouring towns merging into one another;*

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'.

- 1.4 Paragraph 143 of the NPPF states that '*... inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.
- 1.5 Paragraph 144 states that '*... local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.
- 1.6 Paragraph 146 states that '*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*'. Several exceptions to this are listed; however, these do not include housing, a shop or a village hall. Change of use of land to a burial ground is a form of development which is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.
- 1.7 The proposal is therefore inappropriate development in the Green Belt and as such, by definition, harmful to the Green Belt. It should therefore only be approved in very special circumstances.
- 1.8 Section 5.0 of Design, Access and Justification Statement (DAJS) (David Coles Architects) submitted in support of the application, outlines factors to be considered as very special circumstances. A letter from Westoning Parish Council to Central Bedfordshire Council (CBC) stating that if development was to occur within Westoning the needs of the village would have to be considered is referred to.
- 1.9 One of these needs is a new burial ground. As such a burial ground with associated parking for 16 no. cars to be shared with the proposed village hall is included in the proposal. The village hall is included in response to the Parish Council stating in their Local Plan response to CBC that the existing 'Westoning Village Hall is the only large community meeting space in the village, is over 170 years old, small, inflexible, and costly to maintain'. A shop is also proposed on the basis that the existing shop serving Westoning is located on the A5120, with vehicle access only available from this road and limited parking available.
- 1.10 In response, whilst the need for a new burial ground and replacement village hall are understood, the need for them to be in the application site is not convincing. There is no commentary in the DAJS as to why other sites within settlement envelope of Westoning, and therefore not in the Green Belt - and in a less peripheral location - have been dismissed. Whilst the access and parking constraints of the existing village shop are understood, there is no commentary on whether the village needs a second village store. The response of the Parish Council to this application is also of note in these respects: 'The application

includes proposed 'community benefits' that do not accord with the identified needs of the village due to inappropriate location, poor accessibility and limited capacity proposed by the application' and 'The application .... could be prejudicial to the ongoing viability of existing village facilities as Westoning is too small to support two 'general stores'.

- 1.11 As such, the provision of these community facilities do not amount to very special circumstances, which could on their own or in combination, clearly outweigh the harm to the Green Belt, and other harm to the countryside identified below.
- 1.12 Other factors are referred to in the DAJS as very special circumstances. These include responding to the concern of the Parish Council that the development 'should not exceed 70 to 80 additional dwellings' and therefore a scheme of up to 73 units is proposed. Providing a good mix of housing and addressing traffic management concerns, as requested by the Parish Council, are other factors. The provision of a LEAP is also referred to.
- 1.13 In response, none of these factors either on their own or in combination clearly outweigh the harm to the Green Belt, and other harm to the countryside identified below. They are matters which need to be addressed for a planning application to be comprehensive, not matters which 'go above and beyond' to be considered as 'very special'.
- 1.14 in countryside immediately to the south west of the Settlement Envelope of the village of Westoning. Outside settlements, only particular types of new development will be permitted. These include residential development consisting of 100% affordable housing generally not exceeding 10 units (Policy CS8 of the Core Strategy and Development Management Policies (CSDMP) - North 2009) and the re-use or replacement of an existing dwelling. A residential development of up to 73 units is not included as an exception. The proposal would harm the open character of the countryside beyond the established settlement edge of Westoning, defined by agricultural land and hedgerows. Whilst scale is a reserved matter, it would be expected that some of the proposed dwellings would be two, and possibly three storey. As the site is virtually flat there would be far reaching views of the development, particularly from the south and west. The proposal is therefore contrary to Policy DM4 of the CSDMP in that it would be an inappropriate development in, and therefore harmful to, the countryside.
- 1.15 In considering whether the proposed development is acceptable in principle, it is noted that most recent Five Year Land Supply Statement for the five year period commencing 1 October 2018 demonstrates a 5.84 years supply of deliverable housing sites.
- 1.16 The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the NPPF and Policy DM4 of the CSDMP.

## **2. Impact on the Historic Environment**

- 2.1 The application site lies just to the south of the historic medieval core of Westoning (Historic Environment Record (HER) 17009). Also, the site lies within Westoning Manor Park (HER 7007), a mid to late 19th century park and garden area around the Manor of Westoning. Under the terms of the NPPF this is a heritage asset with archaeological interest.
- 2.2 Also, immediately adjacent to the western boundary (but not within the site) is a medieval circular moated manor (HER 233) and associated drainage leats and fishponds. This rare circular moat is also a Scheduled Monument (NHLE 1008759). Under the terms of the NPPF this is a designated heritage asset of the highest significance.
- 2.3 An Archaeology Desk Based Assessment (DBA) (Oxford Archaeology, Version 1, February 2017) was submitted in support of the application. This identifies a moderate potential for medieval remains, but also states that the lack of finds or features recorded may be due to the limited number of archaeological investigations undertaken in the area. The site visit identified visible earthworks as shallow depressions, probably remnant ditches or surviving evidence of ridge and furrow ploughing practices, and suggesting buried archaeology could be preserved on the site. It also notes that building construction will severely impact on any buried archaeological resources.
- 2.4 However, the DBA does not consider the impact of the proposal on the setting of the Scheduled Monument. The development has the potential to erode the rural context of the Monument. Furthermore, there is insufficient information on the impact of the proposals on the buried archaeological resource or the surviving earth works which may require preservation *in situ*.
- 2.5 To address this the application requires an archaeological evaluation, initially via a geophysical survey and the results of this subsequently tested by intrusive ground investigation comprising targeted trial trenches. The results of the geophysical survey and trial trench evaluation should be used together with an updated desk-based assessment (setting and evaluation results considered) as well as any technical details on the construction methods to be employed, to assess the level of impact the proposal will have on any surviving archaeological remains at the site.
- 2.6 Such information has not been submitted and therefore as the proposal stands, it presents harm to heritage assets and their setting contrary to paragraphs 189, 190 and 193, 194 and 195 of the NPPF. Whilst a development as indicated on the Initial Sketch Scheme (plan 16142 (D) 002 Rev A) may be acceptable in terms of its impact on the historic environment, without further information of its impact on surviving archaeological remains, and on the setting of the Scheduled Monument, this cannot be ensured.

## **3. Flood Risk**

- 3.1 The Environment Agency's (EA's) flood plain map shows the majority of the site within Flood Zone 1 which is described as having a 'low probability' of flooding. Due to the presence of a small drain on the site, the north western part of the

site is located in Flood Zone 2 which is described as having a 'medium probability' of flooding and Flood Zone 3 which is described as having a 'high probability' of flooding.

- 3.2 A Flood Risk Assessment (FRA) (Abington Consulting Engineers, Revision D, 10 January 2018) and a Flood Risk Modelling Report (JBA Consulting, Draft - Version 2, 10 January 2018) were submitted in support of the application. These documents have been reviewed by the EA.
- 3.3 The modelling demonstrates that the extent of the functional floodplain is confined to the drain. The EA are satisfied that the model and the FRA demonstrate that there is potential for this site to be developed, so long as appropriate floodplain compensatory storage is provided. Such floodplain compensatory storage is required to demonstrate that there is no loss of floodplain storage and no increase of flood risk on or off site, and should be the subject of a condition attached to any planning permission granted.
- 3.4 Whilst the EA are satisfied that there is the potential for the site to be developed if compensatory storage is provided, they also make reference to the requirement in the NPPF to not permit development if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, i.e the Sequential Test. No such exercise has been undertaken in the submitted FRA, for example a consideration of whether other sites adjacent to and near to the village of Westoning identified by CBC's call for sites with a lower flood risk are available.
- 3.5 In the absence of a Sequential Test, the proposal is contrary to paragraph 158 in the NPPF. This states, *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test'*.

#### **4. Layout and Design**

- 4.1 The proposal needs to accord with the Core Strategy and Development Management Policies - North 2009 Policy CS14 (High Quality Development) which, amongst other things, requires development to respect local context and to focus on the quality of buildings individually and collectively, and Policy DM3 (High Quality Development) which, amongst other things, requires development to be appropriate in scale and design to its setting and to contribute positively to creating a sense of place.
- 4.2 As appearance, landscaping, layout and scale are reserved matters, a full judgement on the layout and design of the proposal can only be made when such an application is submitted. However, an Initial Sketch Scheme (plan 16142 (D) 002 Rev A) has been submitted with the application.
- 4.3 Notwithstanding the concerns expressed elsewhere in terms of the provision of information to ensure the setting of the Scheduled Monument is protected, and the lack of a Flood Risk Sequential Test, it is noted that the layout attempts to

position proposed built development away from and place areas of open space within the more sensitive parts of the site.

- 4.4 The proposed dwellings generally appear to be sufficiently separated from each other, with adequate space for landscaping. There would also appear to be sufficient communal and private amenity space. However, there is a uniformity in the setbacks of dwellings from the frontages of plots; some variation of setbacks would create interest.
- 4.5 An on-site LEAP play area of circa 400 sq m is proposed. However, to serve the 3 to 10 year age group this should be increased to a combined LEAP/LAP play area of 400 to 450 sq m with 8+ pieces of equipment and appropriate safety surfacing, fencing, gates, seating etc. The LEAP is shown to be within an area of flood plain and open space. A more suitable location for the play area is required unless it can be guaranteed that the site will not flood/hold water.

## **5. Impact on Amenity of Neighbouring and Future Occupants**

- 5.1 The proposal needs to accord with the Core Strategy and Development Management Policies - North 2009 Policy DM3 (High Quality Development) which requires development to respect the amenity of surrounding properties, and Section 5 (Residential Development) of the Central Bedfordshire Design Guide.
- 5.2 Appearance, layout and scale are reserved matters. Therefore in the absence of elevation and floor plans for the proposed dwellings, and not having information on building height and window positions etc, a full judgement of the impact of the proposal on the amenity of existing and future neighbouring occupants can only be made when a reserved matters application is submitted.

## **6. Impact on Trees**

- 6.1 All the mature trees on the site are protected by TPO No. 5/1967. One of these trees, a Horse Chestnut on the north west boundary, would be lost as a result of the indicative site layout. This removal needs to be based on a tree survey, where the condition and justification for tree removal can be open and transparent to the LPA and to any wider public scrutiny. A condition to this end, and also requiring details of protection measures for retained trees, should be attached to any planning permission granted.

## **7. Highway Considerations**

- 7.1 As stated above, this outline application seeks approval for the matter of access. The proposed development would be accessed from Park Road, the A5120, by the formation of a new 'T' junction. This would require the modification of the existing southern arm of Manor Close and demolition of two dwellings (No's 5 and 6 Manor Close). The remaining existing housing off Manor Close would retain a southern access and be served from the new access road.
- 7.2 Within the Transport Assessment (Abington Consulting Engineers, Fourth Issue, 9 February 2018) submitted in support of the application, plan 16038/102

Rev A provides detail of the new 'T' junction. The Highway Authority consider this access to be in an appropriate location. Further information was requested with the previously withdrawn application (CB/17/00529/OUT) in terms of vehicular flows and speeds on Park Road. This is because the proposed junction falls below what would be required on a road such as this which it is understood has a 19,322 annual average daily traffic (AADT) flow. As the proposed development has a projected flow of 300 AADT, a ghost right turn junction would be required.

- 7.3 It should be noted that the AADT figures in this area are provided by the Department for Transport. Should a survey be provided by the applicant (which had been previously requested) at the location of the proposed site and shows that the flow is less than 15,000 AADT, the need for a ghost right turn junction could be reconsidered.
- 7.4 A condition should be attached to any planning permission granted requiring the modified access onto the A5120, as shown on plan 16038/102 Rev A, changed if necessary to include a ghost right turn, to be implemented prior to the occupation of any dwelling.
- 7.5 Whilst it is accepted that amendments may take place with a reserved matters application, the Initial Sketch Scheme (plan 16142 (D) 002 Rev A) depicts a clear street hierarchy and shows an internal road layout with reasonable alignment.
- 7.6 Resident parking is shown to be mainly on plot with driveways and garages, or in courts. Whether the number of spaces is sufficient will be determined at reserved matters stage, in light of a finalised layout and details of the number of bedrooms in dwellings.

## **8. Affordable Housing Provision and Section 106 Requirements**

- 8.1 The application would provide 25 affordable homes which reflects the current affordable housing policy requirement of 35% in the North of Central Bedfordshire. In accordance with the Strategic Housing Market Assessment (SHMA), 73% or 18 of these units shall be affordable rent and 27% or 7 shall be intermediate tenure (shared ownership). The affordable units should be dispersed throughout the site and integrated with the market housing.
- 8.2 The Leisure and Open Space consultation response identifies that a contribution to the provision/improvement of outdoor sports facilities in the village would be appropriate in lieu of any on-site provision. Westoning Parish Council have been consulted on several occasions to identify a sports project but to date have not done so.
- 8.3 Therefore in the event that the appeal against non-determination of this planning application is allowed and planning permission granted, it needs to be subject to a S106 Agreement requiring the provision of affordable housing as outlined.

## **9. Other Considerations**

### **9.1 Ecological Impact**

The revised Initial Sketch Scheme (plan 16142 (D) 002 Rev A) is preferred to that for the previously withdrawn application (CB/17/00529/OUT) as it allows for better connectivity for ecology around the south west of the site. The proposed development should be able to deliver a net gain for biodiversity in accordance with the NPPF. Opportunities for further habitat creation and the provision of ecological enhancement measures to be incorporated into the development should be required through a condition for an Ecological Design Strategy (EDS) attached to any planning permission granted.

### **9.2 Rights of Way**

Public Footpath no. 7, Westoning crosses the site from north to south, with kissing gates at either end. The application acknowledges the Public Footpath and attempts to incorporate it into the design as shown on the Initial Sketch Scheme (plan 16142 (D) 002 Rev A). As the design develops, and with the submission of the reserved matters application, further detail of the path, for example, proposed width, surface type and landscaping to the side, will need to be provided.

### **9.3 Response to Parish Council and Neighbour objections**

Most of the matters raised are considered in the discussion above.

### **9.4 Human Rights and Equality Act Issues**

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

## **Recommendation:**

That Planning Permission be REFUSED for the following reasons.

## **RECOMMENDED REASONS**

- 1 The proposed development represents inappropriate development within the Green Belt, which is, by definition, harmful to the Green Belt. The proposal would be detrimental to the openness and visual amenity of the Green Belt, and an encroachment into the countryside. No factors which could amount to very special circumstances to outweigh the harm to the Green Belt, and other harm, are evident. The proposal is therefore contrary to Section 13 (Protecting Green Belt land) of the National Planning Policy Framework (NPPF), March 2018.
- 2 The proposed development beyond the Settlement Envelope of the village of Westoning would harm the open character of the countryside in this location defined by agricultural land and hedgerows. The proposal is therefore inappropriate and harmful development in the countryside, and contrary to Policy



DM4 (Development Within and Beyond Settlement Envelopes) of the Core Strategy and Development Management Policies (CSDMP) - North 2009.

- 3 The Archaeology Desk Based Assessment submitted with the application fails to consider the impact of the proposed development on the setting of the medieval circular moated manor (HER 233), adjacent to the application site, a Scheduled Monument (NHLE 1008759) and designated heritage asset. Furthermore, there is insufficient information on the impact of the proposal on the buried archaeological resource or the surviving earth works within the application site. In the absence of such archaeological evaluation and an updated Desk Based Assessment, the proposal presents harm to heritage assets and their setting, contrary to paragraphs 189, 190 and 193, 194 and 195 in Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF), March 2018.
  
- 4 Part of the site is in Flood Zone 2 which has a 'medium probability' of flooding and Flood Zone 3 which has a 'high probability' of flooding, as defined on the Environment Agency's flood plain map. However, the application fails to provide a Sequential Test to demonstrate whether there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and is therefore contrary to paragraph 158 in Section 14 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework (NPPF), March 2018.

**Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35**

In the Council's view the proposal is unacceptable for the reasons stated, and is not considered to be a sustainable development which would improve the economic, social and environmental conditions of the area. The Council has therefore complied with the requirements of the Framework (paragraph 38) in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**DECISION**

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